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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PICKETT, JOHN G

ART UNIT PAPER NUMBER

3728

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/056,856

Applicant(s)

DOMYAN, PAULINE

Examiner

Gregory Pickett

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 5, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action acknowledges the applicant's Amendment B, presented as Paper No. 9. Claims 1-19 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

3. Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

***Specification***

4. In light of the applicant's amendment, the objection to the specification is hereby withdrawn.

***Claim Rejections - 35 USC § 102***

5. Claims 1-3, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox (US 5,109,578).

Regarding claim 1, Cox discloses a yarn organizer tool with a piece of material (12) and a plurality of cord locks (16, 18, 20) attached to the material. Cox functions as claimed by the applicant. Cox is capable of holding skeins of yarn.

As to claim 2, the yarn organizer tool of Cox is lap sized.

Regarding claim 3, Cox discloses a yarn organizer tool with a flexible rollable panel (12) and a plurality of cord locks (16, 18, 20) attached to the panel. Cox functions as claimed by the applicant. Cox is capable of holding skeins of yarn.

As to claim 16, Cox discloses a yarn organizer tool with a plurality of cord locks (16, 18, 20) and a handle (14).

As to claim 17, Cox discloses a yarn organizer tool with a plurality of support members (16, 18, 20) and a handle (14).

As to claim 18, Cox discloses a yarn organizer tool with a panel (12) having an inside surface (44) and a plurality of cord locks (16, 18, 20) attached to the panel. Cox functions as claimed by the applicant. Cox is capable of holding skeins of yarn.

6. Claims 4, 7-10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Niehaus (US 4,735,246).

Regarding claim 4, Niehaus discloses a yarn organizer tool (10) having a flexible, rollable panel (12) having an inside surface (face shown in Figure 1), a plurality of support members (36) with a loop and locking means adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1), a compact state (Figure 6), and a pair of end straps (78). The organizer tool of Niehaus is capable of holding skeins of yarn.

As to claim 7, Niehaus discloses a yarn organizer tool (10) having a flexible, rollable panel (12) made of cloth (Col. 2, ll. 37-39).

As to claim 8, Niehaus discloses a yarn organizer tool (10) having a pocket (54).

As to claim 9, Niehaus discloses a yarn organizer tool (10) having a pocket (54) dimensioned such that it is capable of receiving scissors.

As to claim 10, Niehaus discloses a yarn organizer tool (10) having a pocket (54) releaseably secured to the inside surface by fastener (56, 57).

Regarding claim 14, Niehaus discloses a yarn organizer tool (10) having a flexible, rollable panel (12) having an inside surface (face shown in Figure 1), a plurality of support members (36) with a loop and locking means adjustably dimensioned to receive skeins of yarn and attached to the inside surface (as shown, Figure 1), and a compact state (Figure 6). The organizer of Niehaus is capable of holding skeins of yarn.

***Claim Rejections - 35 USC § 103***

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niehaus in view of Dunn (US 4,466,534).

Niehaus discloses a yarn organizer tool as applied to claim 4 above. Niehaus meets all limitations claimed by the applicant except for a black inside surface.

Dunn discloses a display package with a black, light absorbing felt used to enhance the aesthetic appearance of the article held. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the organizer tool of Niehaus with a black inner surface as taught by Dunn in order to enhance the aesthetic appearance of the articles held.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox.

Cox, as applied to claim 3 discloses the claimed invention except for expressly disclosing a compact state. It would have been obvious to one of ordinary skill in the art at the time the invention was made to roll the organizer tool of Cox into a compact state in order to store the tool in the pocket of a golf bag; since the panel of Cox is made from a flexible material, it is capable of being rolled.

9. Claims 11, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathews (US 5,385,237) in view of Cox.

Regarding claim 18, Mathews discloses a yarn organizer tool (10) with a panel (12) and a plurality of support members (22). The support members of Mathews are not adjustable.

Cox discloses a means for adjusting a holding loop using cord locks (16, 18, 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tool of Mathews with the adjustable loops of Cox since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

As to claim 19, the yarn organizer tool of Mathews-Cox discloses panel (12) as a notebook page (see Mathews, Figure 3).

Regarding claim 11, it would have been obvious to one of ordinary skill in the art at the time the invention was made to fill the tool of Mathews-Cox, as applied to claim 18, using the method claimed by the applicant.

#### ***Allowable Subject Matter***

10. Claims 5, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Response to Arguments***

12. Applicant's arguments with respect to claims 1-3, 11, and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's arguments with respect to claims 4, 6-10, and 14 have been fully considered but they are not persuasive. The description "adjustable loop and locking means" is not sufficient to invoke the provisions of 35 U.S.C. 112, sixth paragraph. As such, the Niehaus reference still reads upon the claim since it contains an adjustable loop (36) and a VELCRO locking means. The applicant claims support members, not cord locks.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



Art Unit: 3728

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

*GP*  
Gregory Pickett  
Examiner  
December 14, 2003



Mickey Yu  
Supervisory Patent Examiner  
Group 3700